

Application No. 10/618,105
Amendment dated August 29, 2007
Reply to Office Action of May 30, 2007

Docket No.: NY-KIT 359-US

REMARKS

Claims 7-17 have been withdrawn pursuant to the restriction requirement which has been made final in this office action. Accordingly, claims 1-6 are pending in this application.

Applicants' acknowledge with appreciation that claims 3-4 would be allowable if rewritten in independent form.

Claim 6 has been objected to because of a minor informality and has been amended in accordance with the Examiner's kind suggestion. Accordingly, applicants respectfully request that the objection to claim 6 be withdrawn.

Claims 1-2 and 5-6 have been rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by U.S. Patent 5,493,639 to Hirano et al. ("Hirano"). Applicants respectfully traverse this rejection.

A rejection based on 35 U.S.C. § 102 requires that the cited reference disclose each and every element covered by the claim. *Electro Medical Systems S.A. v. Cooper Life Sciences Inc.*, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994); *Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766, 1767-68 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2D 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The Federal Circuit has mandated that 35 U.S.C. 102 requires no less than "complete anticipation ... [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 772 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); *See also, Electro Medical Systems*, 32 U.S.P.Q. 2d at 1019; *Verdegaal Bros.*, 814 F.2d at 631.

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Only the present invention teaches or suggests rotating "the template information according to the posture of the image information so as to cause said reference display posture thereof to correspond to said either posture of the image information when said posture of the image information differs from said reference display posture of the template information, thereby providing optimum template information for synthesizing the image information" as required by amended claims 1 and 6. Whereas, in fact, col. 1, lines 51-54 cited in Hirano by the Examiner for allegedly disclosing the rotation processing means merely describes rotating the image after the image has been synthesized: "by maintaining the relation between the block and the character string, both the box and the character string can conjointly move at the moment of executing an editing command." That is, the present invention effects rotation in order to obtain optimum template information for synthesis, whereas Hirano merely describes rotating the synthesized image as part of the editing process.

Accordingly, applicants respectfully submit that the Examiner has failed to establish a case that Hirano is an anticipatory reference under 35 U.S.C. §102(a) because Hirano does not teach or suggest all of the required elements of claims 1-2 and 5-6.

Moreover, the execution of the conversion of the template information at the time of the rotation operation advantageously permits the present invention to avoid aesthetic visual imbalance. Additionally, the present invention requires storage of only one direction (vertical or horizontal) of the reference display posture for the template information.

Further, Hirano does not teach or suggest a ratio between the width of the horizontal frame prior to rotation and the width of the vertical frame after the rotation nor a ratio between the width of the vertical frame prior to rotation and the width of the horizontal frame after the rotation, as required by amended claim 2. The

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vertical/horizontal ratio of the block 30 in Hirano cited by the Examiner merely represents the aspect ratio of the block 30.

On the basis of the above remarks, reconsideration and allowance of all of the pending claims are respectfully requested.

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Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-KIT 359-US (10406391) from which the undersigned is authorized to draw.

Dated: 8/29/07

Respectfully submitted,

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